

Rezone to B4 and Reclassify Land at Innes Road Moss Vale

Proposal Title : **Rezone to B4 and Reclassify Land at Innes Road Moss Vale**

Proposal Summary : **The Planning Proposal seeks to amend WLEP 2010 by Rezoning part of Lot 2 DP 775152, Innes Road Moss Vale from RE1 Public Recreation to B4 Mixed Use, to apply a Minimum Lot Size of 700sqm, and to reclassify the site from Community to Operational land.**

PP Number : **PP_2016_WINGE_002_00**

Dop File No : **16/11848**

Proposal Details

Date Planning Proposal Received : **07-Nov-2016**

LGA covered : **Wingecarribee**

Region : **Southern**

RPA : **Wingecarribee Shire Council**

State Electorate : **GOULBURN**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **Innes Road**

Suburb : **Moss Vale**

City :

Postcode : **2577**

Land Parcel : **Part Lot 2 DP 775152**

DoP Planning Officer Contact Details

Contact Name : **Ann Martin**

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RPA Contact Details

Contact Name : **Bennett Kennedy**

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DoP Project Manager Contact Details

Contact Name : **Graham Towers**

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Land Release Data

Growth Centre : **N/A**

Release Area Name :

Regional / Sub Regional Strategy : **Sydney-Canberra Corridor**

Consistent with Strategy : **Yes**

Regional Strategy : **Regional Strategy**

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MDP Number :

Date of Release :

Area of Release (Ha) **0.00**

Type of Release (eg **N/A**
Residential /
Employment land) :

No. of Lots : **0**

No. of Dwellings **0**
(where relevant) :

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

The RE1 Public Recreation zoned land appears to follow a creek line to the south, and also appears to be a former access way running between Innes Road and the rear of Lackey Road. The area is partly flood affected , although the portion that is proposed to be sold is not.

It is noted that the frontage to Lackey Road of the subject property and the adjoining sites are shown on WLEP 2010 Land Reservation Acquisition map. The initial proposal identified the potential advantage of achieving the future acquisition of the front portion of the subject site by means of a land swap or similar. Council resolved to rezone and reclassify the entire northern portion of Lot 2 DP 775152 which may facilitate a future road widening of Lackey Road.

External Supporting Notes :

The planning proposal seeks to rezone, apply a minimum lot size of 700m2 and reclassify the northern portion of Lot 2 to B4 Mixed Use provide the opportunity of selling land to the owners of 173 Lackey Road, Moss Vale. This would allow access to Innes Road.

The lot is a thin sliver of land with an area of 684.1m2. The land proposed to be rezoned is adjacent to St Paul's International School.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives adequately describes the intent of the proposal.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The provisions are identified as:**
1. Rezone the northern part of Lot 2 from RE1 Public Recreation to B4 Mixed Use Zone, amend Map LZN_007D;
2. Apply a Minimum Lot Size of "Q" , 700m2 to the northern part of Lot 2 (where none currently exists), Amend Map LSZ_007D;
3. Reclassify from Community to Operational part of Lot 2, and amend the Map RPL_007 accordingly.

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While not identified by Council, the site will also be included in schedule 4 of the LEP as a result of the proposal.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

3.1 Residential Zones

* May need the Director General's agreement

4.3 Flood Prone Land

5.2 Sydney Drinking Water Catchments

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

e) List any other matters that need to be considered :

This is a relatively minor matter. As with the majority of the LGA, the site is part of the Sydney Water Catchment. The planning proposal will not result in any direct development, however any future development if it does occur will be assessed under the Sydney Water Catchment SEPP 2011.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

1.1 BUSINESS AND INDUSTRIAL ZONES: This Direction does apply to the planning proposal as it will affect land within a proposed business (B4 Mixed Use) or industrial zone.

The proposal is considered to be CONSISTENT with this direction.

3.1 RESIDENTIAL ZONES: This Direction does apply to the planning proposal as it will affect land within a proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted. The proposed rezoning will rezone land to B4 Mixed Use. Residential development is permitted in the B4 Mixed Use Zone.

The proposal is considered to be CONSISTENT with this direction.

4.3 FLOOD PRONE LAND: This Direction does apply to the planning proposal as it will create, remove or alter a zone or a provision that affects flood prone land.

The proposal is considered to be INCONSISTENT with this direction as it affects land that intersects a mapped flood area and rezones land from a recreation to a business zone.

RECOMMENDATION: The Secretary can be satisfied that the inconsistency is of minor significance as the actual portion of the site that is to be reclassified is largely not in a flood affected area of the site and is a thin sliver of land that is not suitable for any future dwelling or structure that may be impacted by floods or inundation.

5.1 IMPLEMENTATION OF REGIONAL STRATEGIES: This Direction does apply to the planning proposal as the Sydney-Canberra Corridor Regional Strategy applies to the land.

The proposal is considered to be CONSISTENT with this direction.

5.2 SYDNEY DRINKING WATER CATCHMENT: This Direction does apply to the planning proposal as the land is within the Sydney drinking water catchment.

The proposal is considered to be CONSISTENT with this direction and a copy of the letter from the Sydney Catchment Authority has been received. The Authority has identified that there are no issues associated with the proposed rezoning and reclassification.

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6.2 RESERVING LAND FOR PUBLIC PURPOSES: This Direction does apply to the planning proposal as it will alter through a rezoning and reclassification from community to operational existing zonings of land for public purposes and requires the approval of the relevant public authority. The covenant that was over the land has been removed.

Council has identified the site as part of a lineal reserve perhaps intended as a pedestrian access way. It is currently overgrown with a creek crossing and does not allow access.

The proposal is considered to be **CONSISTENT** with this direction as the Gateway determination will issue the necessary approval.

RECOMMENDATION: The Secretary of the Department approves of the proposal to alter the zonings of land for public purposes.

In respect to the Koala SEPP, all land in the Wingecarribee Shire is included in the Koala SEPP. The land being rezoned and reclassified is in an urban area of Moss Vale where Koalas have not been seen to inhabit.

The Planning Proposal is consistent with the Sydney Canberra Corridor Regional Strategy 2006-2031, as it will facilitate the disposal of land excess to Council's supply of RE1 Public Recreation land in exchange for land identified for future use (SP2 Local Road).

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : The mapping provided is adequate for public exhibition but new maps will need to be provided consistent with the mapping guidelines prior to the finalisation of the proposed amendment if it proceeds.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal will need to be exhibited for the period of 28 days. A Public Hearing will be required.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : Council has provided broad timelines for the exhibition of the proposed amendment. The guidelines for reclassifications identify a 28 day exhibition and a public hearing is required.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Wingecarribee LEP was notified in 2010.

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Assessment Criteria

Need for planning proposal :	The planning proposal achieves the intent of the Council resolution. The rezoning and reclassification will affect a small portion of Lot 2 DP 775152 which connects the rear of 173 Lackey Road Moss Vale, and if the planning proposal and reclassification proceeds will allow the property owner at 173 Lackey Road to connect his property to Innes Road. Council has determined to rezone and reclassify the entire northern strip of Lot 2 to facilitate a future land swap with property owners along Lackey Road whose land has been identified for possible future acquisition as part of a future road widening.
Consistency with strategic planning framework :	The planning proposal is consistent with Council's adopted strategic plan, the Sydney Canberra Corridor Regional Strategy, and the Draft South East and Tablelands Regional Plan.
Environmental social economic impacts :	The section of Lot 2 that is proposed to be rezoned and reclassified, with a minimum lot size of 700m², and the section of the site that is proposed to be sold to the adjacent land owner is a portion of a lot that is too narrow to be used for anything other than an access way. The lots that the land runs adjacent to along Lackey Road are separately affected by a proposed road widening, and it is considered that there may be potential to offer all property owners the rezoned and reclassified land as part of a future land swap. The planning proposal has some benefit in that it may facilitate the future land swap for a proposed road widening affecting potentially 4 property owners. There are no significant environmental impacts, and there is no opportunity for the rezoning and reclassification to facilitate any future development other than access and a modest increase in the property size at the rear of the Lackey Street lots if a future land swap or similar occurs.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	18 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :			
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			
Resubmission - s56(2)(b) :	No		
If Yes, reasons :			
Identify any additional studies, if required. :			
If Other, provide reasons :			

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Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
WaterNSW response to Wingecarribee Council - Planning Proposal - Innes Road Moss Vale.pdf	Proposal Covering Letter	Yes
Council Letter, PP.pdf	Proposal Covering Letter	Yes
Property Title Information.pdf	Proposal	Yes
0. Planning Proposal V2 - updated for Gateway.pdf	Proposal	Yes
Deposited plan.pdf	Proposal	Yes
4. Council Report 23 Sept 2015.pdf	Proposal	Yes
6. Council Report 10 February 2016.pdf	Proposal	Yes
7. Council Resolution 10 February 2016.pdf	Proposal	Yes
5. Council Resolution 23 September 2015.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 3.1 Residential Zones**
- 4.3 Flood Prone Land**
- 5.2 Sydney Drinking Water Catchments**
- 6.2 Reserving Land for Public Purposes**

Additional Information : It is **RECOMMENDED** that the Director Regions, Southern as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Wingecarribee LEP 2010 to rezone Part Lot 2 DP 775152 Innes Road, Moss Vale from RE1 Public Recreation to B4 Mixed Use, apply a Minimum Lot Size of 700m2 and reclassify from Community to Operational, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 28 days; and
 (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013).

2. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

It is noted this proposal is to reclassify land and Council will need to fulfil any obligations under the Local Government Act 1993.

3. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

4. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

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5. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 1.1 Business and Industrial Zones, 3.1 Residential Zones, 5.2 Sydney Drinking Water Catchments and 6.2 Reserving Land for Public Purposes.

(b) The Secretary's delegate approves the proposal to alter the existing zoning of land reserved for public purposes under Direction 6.2 Reserving Land for Public Purposes;

(c) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(d) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

6. The planning proposal is considered to be consistent with all relevant SEPPs. The planning proposal is consistent with the strategic planning framework. The merits of the proposed reclassification will be further determined when a public hearing is held.

Supporting Reasons :

The planning proposal will provide for the potential sale of a section of the land to be reclassified and rezoned to allow access to Innes Road.

Signature:

 Team Leader

Printed Name:

Graham Towers

Date:

18/11/16